IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24550 of 2005

Between:

Poranki Vijaya Lakshmi

..... PETITIONER

AND

The Deputy Commissioner of Proh and Excise,

Kakinanda E.G.District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not releasing the vehicle bearing Reg.No.AP-16-TU-9580 seized in Cr.No.60/2005-06 on the file of the 2nd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The petitioner submits that she is the registered owner of the Auto bearing Reg.No.AP-16-TU-9580. The said vehicle has been seized and detained in Cr.No.60/2005-06, dated 26.04.2005 for the offence punishable under Section 7(a) read with Section 8(e) of A.P.Prohibition and Excise Act on the file of the 2nd respondent. It is stated that there are three accused and the petitioner is not at all the accused. It is further stated that the petitioner has no knowledge or information about the offence alleged to have been committed by the said accused. However, the petitioner filed an application before the 1st respondent on 26.10.2005 seeking interim custody of the vehicle subject to fulfillment of certain conditions that may be imposed by the confiscating authority, but the 1st respondent has not passed any orders on her application.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to consider and dispose of the application of the petitioner dated 26.10.2005, if it is still pending, in accordance with law, within a period of 2 (two) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 17.11.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr